

Remarks

Claims 1-30 are pending in the application. All claims stand rejected. By this paper, claims 1, 7, 8, 11, 17, 18, 21, 27, and 28 have been amended. Claims 5, 6, 10, 15, 16, 20, 25, 26, and 30 have been cancelled. New claims 31-34 have been added to provide claim coverage commensurate with the scope of the invention. Reconsideration of all pending claims herein is respectfully requested.

Claims 1-4, 11-14, and 21-24 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,412,110 to Schein et al. ("Schein '110"). Claims 5, 6, 8, 9, 15, 16, 18, 19, 25, 26, 28, and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schein '110 and U.S. Patent Application No. 2003/0005445 of Schein et al. ("Schein '445"). Claims 7, 17, and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schein '110 and Schein '445 and further in view of Kohno et al. ("Kohno").

Claim 1 has been amended to include limitations similar to those of canceled claims 5 and 6. Claim 11 has been amended to include limitations similar to those of canceled claims 15 and 16. Claim 21 has been amended to include limitations similar to those of canceled claims 25 and 26. For example, amended claim 1 recites a method for indicating a completion status of a media program, comprising:

displaying an electronic program guide (EPG) having first and second axes and a plurality of elements, the first axis corresponding to a plurality of media providers, the second axis corresponding to a plurality of time slots, each element corresponding to a media program;

displaying a line indicating a current time across at least a portion of the EPG, wherein the line is perpendicular to the second axis and bisects an element of the EPG into an elapsed portion and a remaining portion, the elapsed portion being proportional in size to an elapsed time of a media

program corresponding to the element, and the remaining portion being proportional in size to a remaining time thereof;

generating a separate graph of elapsed time versus running time for a first media program, the graph indicating the elapsed proportion of the first media program without reference to the line; and

positioning the separate graph upon the corresponding element in the EPG.

These claimed features allow a user to determine at a glance while browsing an EPG how much of a media program has been missed. In many cases, an element representing a media program might not be fully displayed in the EPG, since the EPG only represents a discrete window of time. For instance, an element representing a two-hour movie might only be partially shown within the EPG, indicating that the program will not finish within the time window being currently shown by the EPG. In such cases, the line bisecting the EPG does not correctly indicate the elapsed proportion of the program.

According to the claimed invention, a separate graph of elapsed time versus running time is displayed upon the corresponding element (i.e., the element representing the media program) in the EPG without reference to the recited line. Thus, the user does not need to scroll the EPG window to show the entire element and thereby receive a correct indication of the proportion of the elapsed time to the running time. Indeed, in certain situations, it might not be possible to scroll the EPG window to show the entire element. For example, the EPG may only provide a three-hour window, while an element may represent a four-hour sporting event. In such a case, the bisecting line cannot accurately represent the proportion of elapsed time to running time.

The Office Action refers to Schein '110 for the recited line that bisects the EPG. Even if this is true, Schein '110 does not show a separate graph of elapsed time verses running time without reference to the line, as claimed. Indeed, the Office Action admits that Schein '110 does not show a separate graph, and refers to Schein '445 to correct that deficiency.

However, even if the shaded portions of the programs in Schein '445 may serve as a separate visual indication of a completion status, they are not "without reference to the line," as claimed. Indeed, the right-hand side of the shaded portion forms a line, similar to the line of Schein '110, which indicates the current time within the EPG. Thus, Schein '445 does not disclose a or suggest a "separate graph ... without reference to the line," as required by amended claim 1.

Furthermore, the shaded portion of Schein '445 is not a "separate graph of elapsed time versus running time for a first media program, the graph indicating the elapsed proportion of the first media program." Schein '445 has the same deficiency of Schein '110 in that a user cannot visually determine the proportion of elapsed time to running time for elements that are not fully displayed within the current EPG window. Neither of the Schein references disclose a separate user interface element for representing elapsed time verses running time apart from the line/shaded portion.

The Office Action also cites Kohno for the recited "pie graph" and "ratio bar graph" of claims 7, 17, and 27. Specifically, the Office Action states that "Kohno discloses a bar graph (see the right side of figures 6 and 14) indicating a completed percentage of a corresponding media program (see column 8, lines 7-18)." The applicant respectfully disagrees with this characterization of Kohno. The referenced

figures and specification do not show a graph of the "completed percentage of a corresponding media program."

With reference to FIG. 6 and col. 8, lines 7-18, Kohno does apparently show graphs of "elapsing" [*sic*, elapsed] time. However, these graphs do not indicate the running time of each program. Therefore, they cannot show the elapsed time verses running time and cannot indicate an elapsed proportion. All of the graphs are identical in length and have a time scale labeled "60 Now 60 120." Thus, the graphs would all appear to represent 120 minutes and possibly 180 minutes. However, all of the programs are not 120 minutes long (for instance, "Cooking College" is only 60 minutes long). If the inner rectangles of Kohno's graphs represent elapsed time, the outer rectangles certainly do not represent running time, and there is no other possible indication of running time within Kohno's EPG.

Alternatively, if Kohno's graphs are actually graphs of running time (which is not supported by the specification but makes more sense with respect to the "Cooking College" example), then Kohno does not disclose the elapsed time. In either case, Kohno does not disclose the recited "separate graph of elapsed time versus running time for a first media program, the graph indicating the elapsed proportion of the first media program without reference to the line."

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03. In this case, none of the cited references disclose or suggest:

- (1) a separate graph,
- (2) of elapsed time versus running time for a first media program,

- (3) the graph indicating the elapsed proportion of the first media program,
- (4) without reference to the line.

Accordingly, a prima facie case of obviousness cannot be established with the prior art of record.

In view of the foregoing, claim 1, as amended, is patentably distinct over the prior art of record. Claims 11 and 21 have been amended to include similar limitations and are likewise believed to be patentably distinct for at least the same reasons. All other claims depend directly or indirectly from claim 1, 11, or 21, and are therefore patentably distinct by virtue of that dependency.

New claim 31 recites a method for indicating a completion status of a media program, comprising:

displaying an electronic program guide (EPG) having first and second axes and a plurality of elements, the first axis corresponding to a plurality of media providers, the second axis corresponding to a plurality of time slots, each element corresponding to a media program;

generating a separate graph of elapsed time versus running time for a first media program, the graph indicating the elapsed proportion of the first media program without reference to the EPG; and

positioning the separate graph upon the corresponding element in the EPG.

Schein '445 shades a portion of the EPG to indicate programs or portions of programs that have been completed. Even if this could be considered a "separate graph" of elapsed time verses running time, it is not without reference to the EPG as required by claim 31. Indeed, it can only be read by referring to the EPG. A user must view the shaded and unshaded elements of the EPG to determine the completion status of a media program. This is not the same as positioning a

separate graph, such as a pie chart (new claim 32) or ratio bar graph (new claim 33), on a particular element of the EPG, which allows a user to determine the completion status of a media program at a glance without reference to the EPG itself.

Furthermore, as argued above, Schein '445 does not always permit a user to determine the completion status of a media program, since an element representing a media program may exceed the size of the EPG window. For example, in FIG. 16A of Schein '445, neither "Monday Night Football" nor the "Pink Panther" are shown in their entirety in the depicted EPG grid. In such a case, the shaded portion of Schein '445 cannot be the claimed "separate graph of elapsed time versus running time for a first media program."

New claim 35 recites displaying an enlarged version of the graph at a location outside of the program guide in response to a user selection of a corresponding element in the program guide. The applicant respectfully submits that none of the cited references disclose or suggest additionally displaying an enlarged version of the graph outside of the EPG in response to a user selection.

In view of the foregoing, the applicant respectfully submits that all pending claims herein are in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Digeo, Inc.

By 

Kory D. Christensen
Registration No. 43,548

STOEL RIVES LLP
One Utah Center Suite 1100
201 S Main Street
Salt Lake City, UT 84111-4904
Telephone: (801) 328-3131
Facsimile: (801) 578-6999